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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,900	01/28/2002	Joseph L. Dallas	CVI-0009	5173

23413 7590 05/08/2003

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EXAMINER

ZARROLI, MICHAEL C

ART UNIT PAPER NUMBER

2839

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action SummaryApplication No. 

10/058,900

Applicant(s)

DALLAS ET AL. 

Examiner

Michael C. Zarroli

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-23 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4/29/02. 6) ☐ Other.

DETAILED ACTION

Oath/Declaration

1. Please clear up confusion that exists as to who is the first named inventor.

The declaration shows Joseph Dallas as the first named inventor. All subsequent paperwork shows Ralph Jameson as the first named inventor.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art--. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: There is no section briefly describing the drawings.

- o Appropriate correction is required.

Claim Objections

4. Claim 8 is objected to because of the following informality: The phrase "means are includes." Appropriate correction is required.
5. Claim 9 is objected to because of the following informality: The phrase "in case that all." Appropriate correction is required.
6. Claim 10 is objected to because of the following informality: The phrase "in case that." Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claims 5-6 and, 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the reference measurements" in lines 3-4.

There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the reference measurements" in line 1.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-4, 11, 15, 17-21 and, 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto et al.

Matsumoto discloses a method for fabricating an optical fiber array (title).

A substrate (2) with through holes (3) for receiving optical fibers (1) is also disclosed. Matsumoto discloses applying adhesive (5) into these holes so that each fiber is coated with the adhesive (fig. 1). The position of these fibers is adjusted in the holes after applying the adhesive (paragraph 0016, lines 2-3). Finally, Matsumoto discloses curing the adhesive to fix the fibers in the respective holes (paragraph 0032, line 2).

Regarding claims 2-3 and, 18-19 Matsumoto discloses that the through-holes are spaced from each other by a predetermined existence (fig. 5) and that they are the same distance from the bottom of the substrate (fig.5).

Regarding claims 4 and 20 Matsumoto discloses that the adhesive is UV cured (abstract line 8).

Regarding claim 11 Matsumoto discloses that the reference measurements include data representing target positions of cores of the optical fibers (paragraph 0030 last three lines).

Regarding claims 15 and 23 Matsumoto discloses that the substrate has upper and lower plates with grooves and, the plates are mated to form the through-holes (fig. 4).

Regarding claim 17 Matsumoto discloses that the cores of the optical fibers are aligned in accordance with reference measurements (paragraph 0017 & paragraph 0030 last four lines).

Regarding claim 21 Matsumoto discloses that the fibers have no contact with the sidewalls of the holes (fig. 2).

Claim Rejections - 35 USC § 103

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al as applied to claims 1 and 17 above, and further in view of Yui et al.

Matsumoto does not disclose that the substrate is a unitary structure.

Yui discloses an array of fibers affixed with adhesive in a unitary substrate (fig. 12A).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to manufacture the substrate of Matsumoto into a unitary structure as taught by Yui. It has been held that forming in one piece an article, which has formerly been formed in two pieces, and put together,

involves only routine skill in the art. Howard v. Detroit Stove Works, 150 U.S. 164 (1893).

14. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto as applied to claim 15 above, and further in view of Ohtsuka et al.

Matsumoto does not disclose that the groove of one of the plates is tapered so that the through hole has an enlarged inlet portion.

Ohtsuka discloses that the groove in a plate is tapered (23) so that the hole has an enlarged inlet portion for inserting fiber (fig. 11).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the groove of Matsumoto to be tapered as taught by Ohtsuka. The motivation for such a modification would be to prevent damage to the optical fiber during insertion into the through hole.

Allowable Subject Matter

15. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. Claims 5-7 and, 12-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

17. The following is a statement of reasons for the indication of allowable subject matter: Using a position manipulator to adjust the optical fiber in accordance with reference measurements. The reference measurement includes data representing the distance between the core and bottom of the substrate. The means for protecting the UV cured adhesive from UV light during the adjusting step.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shinoda et al and Ogawa et al teach many of the limitations of the claimed invention but cannot be used for prior art because of the priority date.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Zarroli whose telephone number is 703-305-0608. The examiner can normally be reached on 7:30 to 3:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Feild can be reached on (703) 308-2710. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Michael C. Zarroli
Examiner
Art Unit 2839

MCZ

MCZ

May 5, 2003